THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.23470 OF 2005

-

Dated: 09-11-2005

-

Between

Mallani Sandaiah, S/o. Mallani Eraiah, Occ: Agriculture, R/o. Miyapur, Serilingampally Mandal, Ranga Reddy District.

...PETITIONER

AND

The District Registrar, Stamps & Registration, Kukatpally, Ranga Reddy District and others.

...RESPONDENTS

ORDER:

-

-

Heard the learned counsel appearing for the petitioner and the learned Government Pleader appearing for the respondents.

Petitioner submits that he purchased a plot of land admeasuring 553 Sq. yards and constructed a house bearing Municipal
No.1-102/2 in S.No.44/1 of Miyapur Village, Serilingampally Mandal, Ranga Reddy District vide registered sale deed dated 01.08.2003 from Smt. Meherunnissa Begum and five others and the said document was registered as Sale Deed No.9475/2003 by the Joint Sub-Registrar, Stamps and Registration, Moosapet, Ranga Reddy District.
He further submits that he constructed 12 portions and five portions were sold but with respect to the remaining portions the second respondent refused to register the same on the ground that the third respondent - the Special Officer and Competent Authority, Urban Land Ceiling, vide his letter No.H1/7584/76 dated 22.09.2005 requested the second

respondent not to register any documents of the petitioner as the lands in Survey No.44 fall in the peripheral area of Hyderbad Urban Agglomeration and they attract the provisions of the Urban Land (Ceiling and Regulation) Act, 1976, (for short 'the ULC Act').

If the provisions of the ULC Act attract any land and if any sales are against the public policy it is always open for the Government to issue notification declaring that the registration of any document of such land is against public policy. Admittedly, no such notification has been issued by the Government preventing the registration of the documents in respect of the petitioner's land in question.

I do not see any provisions under the Registration Act, 1908, (for short 'the Act') empowering the Special Officer and Competent Authority to issue a direction to the Registering Authority not to register the documents. Registration of any sale deed, gift deed etc. in respect of immovable property does not confer any title.
If the said land of the petitioner in Sy.No.44/1 attract the provisions of the ULC Act it is always open for the authorities to take appropriate action under the ULC Act but pursuant to the said request of the Special Officer and Competent Authority the Registering Authority cannot refuse to register the documents.

Learned counsel for the petitioner relied on a judgment of this Court in the case of **KUNCHANAPALLI MYUSOORAIAH v.**
SUB-REGISTRAR, CUDDAPAH DISTRICT wherein this Court held that merely because certain proceedings are pending the same does not confer any right on the registering authority to refuse to register the document or withhold the document. The satisfaction for the purpose of registration has to be wholly in terms of the provisions of the relevant Acts and not beyond that.

Since no notification has been issued by the Government under Section 22-A of the Act in respect of Sy.No.44 or 44/1 the action of respondents to withhold the documents presented by the petitioner is illegal and unsustainable.

Accordingly the writ petition is allowed directing the respondents to consider and process the document presented by the petitioner and release the same if it is found to be otherwise

in order and if proper stamp duty and registration fee is paid.

_____

V. ESWARAIAH, J

November 9, 2005

DSK